

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES LUCKE,	:	
Plaintiff	:	CIVIL ACTION NO. 3:19-917
v.	:	JUDGE MANNION
KOST TIRE AND AUTO,	:	
Defendant	:	

ORDER

Pending before the court is the report of Magistrate Judge Martin C. Carlson which recommends that the instant action be dismissed pursuant to L.R. 83.18 which requires the plaintiff, who is proceeding *pro se*, to keep the court informed of his current mailing address. (Doc. 12). As of the date of this order, no objections have been filed to Judge Carlson's report.

By way of relevant background, the plaintiff commenced this action on May 29, 2019. (Doc. 1). By order dated June 17, 2019, the plaintiff's motion to proceed *in forma pauperis* was granted. (Doc. 7). However, on June 25, 2019, the order granting the plaintiff leave to proceed *in forma pauperis* was returned to the court as undeliverable. (Doc. 9). As a result, by order dated August 20, 2019, Judge Carlson directed the plaintiff to provide an updated address to the court or face the sanction of dismissal of this action pursuant to L.R. 83.18. (Doc. 10). The August 20, 2019, order was also returned to the court as undeliverable. (Doc. 11). Noting the lack of ability to communicate with the plaintiff because of his non-compliance with the Local Rules, Judge

Carlson issued the instant report recommending that the plaintiff's action be dismissed. (Doc. 12).

When no objections are filed to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

The court has reviewed the record in this case and finds no clear error of record. The court agrees with the sound reasoning which led Judge Carlson to conclude that the instant action should be dismissed for the plaintiff's failure to keep the court informed of his current address so that the court can communicate with the plaintiff regarding this litigation and keep the matter moving forward. Therefore, the court will adopt the report of Judge Carlson in its entirety.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

(1) The report of Judge Carlson, **(Doc. 12)**, is **ADOPTED IN**

ITS ENTIRETY.

- (2)** The plaintiff's complaint, **(Doc. 1)**, is **DISMISSED**.
- (3)** The Clerk of Court is directed to **CLOSE THIS CASE**.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: November 5, 2019

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